

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

CHRISTOPHER KOHLS,
Plaintiff,
v.
ROBERT A. BONTA, et al.,
Defendants.

Case No. 2:24-cv-02527-JAM-CKD

**PLAINTIFFS' NOTICE OF MOTION
AND MOTION FOR SUMMARY
JUDGMENT AGAINST AB 2655**

**EXTENDED ORAL ARGUMENT
REQUESTED**

Date: August 5, 2025

Time: 1:00 p.m.

Crtrm: 6, 14th floor

Judge: John A. Mendez

THE BABYLON BEE, LLC, et al.,
Plaintiffs,
v.
ROBERT A. BONTA, et al.,
Defendants.

RUMBLE, INC., et al.,
Plaintiffs,
v.
ROBERT A. BONTA, et al.,
Defendants.

X CORP.,
Plaintiff,
v.
ROBERT A. BONTA, et al.,
Defendants.

**NOTICE OF MOTION AND MOTION TO
THE HONORABLE COURT AND TO ALL PARTIES**

PLEASE TAKE NOTICE that on August 5, 2025, at 1:00 p.m., or as soon thereafter as the matter may be heard, Plaintiffs X Corp., Rumble Inc. and Rumble Canada Inc., Christopher Kohls, The Babylon Bee, and Kelly Chang Rickert hereby move pursuant to Rule 56 of the Federal Rules of Civil Procedure and Civil Local Rule 260 for an order granting summary judgment in Plaintiffs' favor, declaring California Assembly Bill No. 2655 ("AB 2655"), which is codified in law at California Election Code §§ 20510–20520, constitutionally and legally invalid, and permanently enjoining Defendants from enforcing it.

This Motion is based upon this Notice of Motion and Motion for Summary Judgment Against AB 2655; the accompanying Memorandum of Points and Authorities; Plaintiffs' Statement of Undisputed Facts; the Declaration of X Corp.'s Strategy and Operations Team and the exhibits annexed thereto; the Declaration of Joel Kurtzberg and the exhibits annexed thereto; the Declaration of Christopher Kohls and the exhibits annexed thereto; the Declaration of Rumble and the exhibits annexed thereto; the Declaration of Kelly Chang Rickert and the exhibits annexed thereto; the Declaration of Seth Dillon and the exhibits annexed thereto; any oral argument of counsel; all pleadings and papers on file in this action; and any additional materials or evidence as may be presented to the Court.

As set forth in the accompanying memorandum, AB 2655 violates the First Amendment of the United States Constitution and Article I, Section 2, of the California Constitution, because it infringes the constitutionally protected content-moderation speech rights of covered platforms, like X and Rumble,¹ thereby pressuring them to censor speech of content creators, such as Christopher Kohls, The Babylon Bee, and Kelly Chang Rickert, leading to self-censorship, while also compelling the covered platforms' speech; regulates speech based on content, viewpoint, and the identity of the speaker; is not the least restrictive means available to advance any government interest; imposes a prior restraint on constitutionally protected speech of which the State of

¹ Plaintiff X Corp. provides the X platform. Plaintiffs Rumble Inc. and Rumble Canada Inc. provide the Rumble platform.

1 California disapproves; and violates the Free Press Clause of the U.S. Constitution.

2 AB 2655 also directly contravenes, and is thus preempted by, 47 U.S.C. §§ 230(c)(1) and
3 230(c)(2)(B), because it (1) imposes civil liability on large online platforms such as X and Rumble
4 by holding them responsible for the content on their platforms as if they were the publisher of that
5 content, as prohibited by Section 230(c)(1); and (2) holds large online platforms liable if they do
6 not sufficiently comply with AB 2655's reporting requirement (Section 20516), since such liability
7 is on account of actions taken to enable or make available the technical means to restrict access to
8 objectionable material, which are actions immunized under Section 230(c)(2)(B).

9 AB 2655 also violates the First and Fourteenth Amendments of the United States
10 Constitution on overbreadth and vagueness grounds, because the statute's requirements and
11 prohibitions are so vague and unintelligible that large online platforms such as X and Rumble
12 cannot understand how to comply with them, and will thus over-censor speech to avoid costly
13 litigation. In addition, the law's vagueness gives enforcement authorities unbridled discretion to
14 enforce the law based on impermissible content-based and viewpoint-based considerations, which
15 also violates the First and Fourteenth Amendments.

16 For these reasons, as well as those set forth in the accompanying memorandum, AB 2655
17 violates the First and Fourteenth Amendments of the United States Constitution and Article 1,
18 Section 2, of the California Constitution, and directly conflicts with, and is thus preempted by, 47
19 U.S.C. §§ 230(c)(1) and 230(c)(2)(B). Accordingly, this Court should grant Plaintiffs' Motion for
20 Summary Judgment Against AB 2655, declare AB 2655 constitutionally and legally invalid, and
21 permanently enjoin its enforcement by Defendants.

Dated: March 7, 2025

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PROOF OF SERVICE

I hereby certify that I caused to be filed a true and accurate copy of the foregoing document with the Clerk of Court using the CM/ECF system, which automatically sends an electronic notification to all attorneys of record in this case.

Dated: March 7, 2025

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